

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-19
CONTINUING RESPONSIBILITIES**

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1240-1-19-.01 RECERTIFICATION - FOOD STAMPS ONLY. The Worker shall complete the application process and approve or deny timely applications for recertification prior to the end of the household's current certification period. The county office shall provide eligible households with an opportunity to participate by the household's normal issuance cycle in the month following receipt of a timely application. The Eligibility Worker shall not continue benefits to households beyond the end of the certification period unless the household has been recertified. The joint processing requirement for PA households shall continue to apply to applications for recertification.

- (1) Notice Of Expiration Of Certification. The Eligibility Worker shall provide each household with Form HS-0258 (Notice Concerning Your Application or Redetermination) just prior to or at the start of the last month of the household's certification period with the exception of PA households whose applications were jointly processed for Food Stamp and PA benefits.
 - (a) Receipt of Notice by the Household. Households that must receive Form HS-0258 (Notice Concerning Your Application or Redetermination) must receive it during the month immediately prior to the household's last month of certification. If the household is certified for one month or if the household was certified for 2 months and the application was approved the month following the month of application, the Form HS-0458 (Notice Concerning Your Application or Redetermination) shall be provided at the time of certification. The county office shall include with the Notice Concerning Your Application or Redetermination an application form and an appointment for an interview. Regardless of when the interview date is assigned, the household has timely applied if the application is received by the 15th day of the last month of certification.
 - (b) Content of the Notice. The Notice of expiration shall contain:
 1. The date the current certification period ends;
 2. The date by which the household must file an application to receive uninterrupted benefits;

(Rule 1240-1-19-.01, continued)

3. The household's right to request an application and have the county office accept an application (as long as it is signed and contains a legible name and address);
 4. The address of the office where the application must be filed;
 5. The consequences of the household's failure to comply with the Notice Concerning Your Application or Redetermination;
 6. The household's right to file the application by mail or through an authorized representative; and
 7. The household's right to a fair hearing if the county office refuses to accept as good cause the household's reason for failure to comply with Form HS-0258 (Notice Concerning Your Application or Redetermination).
- (c) Submission of Application for Recertification. Households provided Form HS-0258 (Notice Concerning Your Application or Redetermination) at the time of certification as discussed in 1240-1-19-.01(1)(a) shall have 15 days from the date the notice is received to file a timely application for recertification. If such filing deadline is after the end of the certification period, the household's benefits will not be prorated if it reapplied timely. All other households which submit identifiable applications by the 15th day of the last month of the certification period shall be considered to have made timely application for recertification. To aid the county office in determining if adequate time has been permitted, the county office shall use the postmark on the Notice Concerning Your Application or Redetermination, plus two days for mailing time. In cases of dispute the household may demonstrate that the Form HS-0258 (Notice Concerning Your Application or Redetermination) was not, in fact, received in a timely manner.
- (2) Notification Of Recertification. The Worker shall act on timely reapplications to provide uninterrupted benefits to households determined eligible. The Worker shall take action on timely reapplications within the time standards specified in (a) and (b) below, and provide the household an opportunity to participate by the household's normal issuance in the month following receipt of the timely reapplication, even if the opportunity is outside of the normal issuance system.
- (a) Thirty Days After Last Allotment Purchase. Households that were provided Form HS-0258 (Notice Concerning Your Application or Redetermination) at the time of certification and have timely reapplied shall be notified of their eligibility or ineligibility and provided an opportunity to participate, if eligible, not later than 30 days after the date the household had an opportunity to obtain its last allotment.
- (b) End of Current Certification Period. For those households that have filed an application by the 15th of the last month of their certification period, and who have appeared for the scheduled interview after filing the application, and who have timely provided all necessary verification, the Worker shall approve or deny the application and notify the household of its determination by the end of the current certification period. In addition, for households determined eligible, the county office shall provide an opportunity to participate by the household's normal issuance cycle in the month following receipt of the timely reapplication, even if the county office must provide an opportunity to participate outside of the normal issuance system. Households which have timely reapplied, but due to an agency error are not determined eligible in sufficient time to provide for issuance in the household's normal issuance cycle for the following month, shall receive an ATP card and an opportunity to participate upon being determined eligible, even if the county office must provide an opportunity to participate outside the normal issuance system.

(Rule 1240-1-19-.01, continued)

- (3) **County Office Failure To Act On Applications For Recertification.** County offices' failure to provide eligible households which filed a timely application for recertification with an opportunity to participate in accordance with the above provisions shall be considered an administrative error. These households shall be entitled to restoration of lost benefits if, as a result of such error, the household was unable to participate for the month following the expiration of the certification period.
- (4) **Household Failure To Submit A Timely Reapplication.** A household which fails without good cause to submit a timely application for recertification, to appear for an interview scheduled after the household timely filed its application for recertification, or to provide necessary verification timely subsequent to filing the application, loses its right to uninterrupted benefits. Households which refuse to cooperate in providing information shall be denied. Any application not submitted in a timely manner shall be treated as an application for initial certification, except that for applications received within 30 days after the certification period expires, previously verified income, medical expenses, or actual utility expenses need not be verified if the source has not changed and the amount has changed by \$25 or less.
 - (a) **Good Cause for Failure to Timely Reapply.** If the Worker determines that the household's failure to make timely application or to otherwise complete the certification process in a timely manner was for good cause, the household shall be entitled to restoration of lost benefits, if, as a result of its failure, the household was unable to participate in the month following the expiration of its certification period. The determination of good cause shall be made on a case-by-case basis and shall include, but not be limited to, failure to receive timely notice of expiration of personal illness.

Authority: TCA §§14-1-105, 14-8-115, and 14-27-104; Federal Register, Volume 51, Number 60 (March 28, 1986); 45 CFR 206.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed August 5, 1986; effective November 29, 1986.

1240-1-19-.02 REDETERMINATION OF ELIGIBILITY - AFDC ONLY. A redetermination of eligibility for every AFDC case is required at least once in each six months period. In other words, at least every sixth monthly payment must be supported by a complete redetermination of eligibility.

(1) through (7) Reserved for Future Use.

Authority: TCA §14-8-115; 45 CFR 206.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.03 SPECIAL ACTIONS - AFDC ONLY. For some cases more frequent contacts than each 6 months will be necessary in order to insure continued eligibility for recipients for AFDC. (A complete redetermination of eligibility may or may not be required.).

Authority: TCA §14-8-115; 45 CFR 206.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.04 CHANGES DURING THE CERTIFICATION PERIOD - FOOD STAMPS OR BETWEEN REVIEWS - AFDC. When changes occur during the certification period which affect a household/assistance unit's eligibility or level of benefits, the following actions are taken to adjust the benefits. Household/assistance unit, and county office responsibilities are as follows:

- (1) **Household/Assistance Unit Responsibilities.** Certified household/assistance units which are not monthly reporting must report the following within 10 days of the date the change becomes known to the household/assistance unit:

(Rule 1240-1-19-.04, continued)

- (a) Food Stamp Households - Changes in sources of income or in the amount of gross monthly income of more than \$25.00 of all household members, except changes in an AFDC grant;
 - (b) AFDC Assistance Units - All changes in the source of income or in the amount of income;
 - (c) Changes in residence and the resulting changes in shelter costs and, for AFDC purposes, other concurrent changes in circumstances;
 - (d) The acquisition of a licensed vehicle not fully excludable under 1240-1-4-.10;
 - (e) Food Stamps Only - When cash on hand, stocks, bonds, and money in the bank account or savings institution reach or exceed a total of \$1,500.00;
 - (f) AFDC Only - When cash on hand, stocks, bonds and money in the bank account or savings institution reach or exceed the allowable personal property reserve. See rule 1240-1-4-.07;
 - (g) Food Stamps Only - When household's monthly medical expenses change by more than \$25;
 - (h) Food Stamps Only - Work Registration - change in work registration status of any household member.
- (2) Food Stamps Only. An applying household must report all changes related to its Food Stamp eligibility and benefits at the certification interview. Changes as provided in (1) above which occur after the interview but before the date of the Notice of Disposition must be reported by the household within 10 days of the date of the notice.
- (3) How Changes Are Reported - Food Stamps/AFDC. The change may be reported by telephone, in person, or by mail using Form HS-0746 (Change Report Form). The 10 day period shall begin with the date the changes become known to the household/aid group. The change will be considered as reported by the household on the date the report of change is received by the county or, if mailed, the date the envelope is postmarked.
- (4) Failure To Report. If the county office discovers that the household failed to report a change, as required by rule 1240-1-19-.04, and as a result received benefits to which it was not entitled, the county office shall complete Form HS-0287 (Claim Determination and Restoration of Lost Benefits). If the discovery is made within the certification period, the household is entitled to Form HS-0751 (Notice of Disposition) if the household's benefits are reduced. Failure to report a change shall not automatically be construed to be suspected fraud. Individuals shall not be disqualified for failure to report a change, unless the individual is disqualified in accordance with the fraud disqualification procedure. If a household should lose benefits because of a failure to make a timely report, as required by rule 1240-1-19-.04(2), the household is not entitled to restoration of lost benefits.
- (5) County Office Responsibilities - Food Stamps/AFDC. The county office shall not impose any reporting requirements on households except as noted above. Neither shall the county office treat the submission of the changes as a waiver of the household's right to a Notice of Adverse Action, unless an AFDC recipient has indicated in writing the he/she understands the report will reduce or terminate assistance (AFDC Only).
- (6) Providing The Change Form - Food Stamps/AFDC. A change report (Form HS-0746) and a "postage paid" envelope shall be provided to newly certified households at the time of certification and at recertification, if the household needs a new form. A new form shall be sent to the household whenever a Change Report Form is returned by the household. A Change Report may be provided to households more often if necessary. Although households should be encouraged to complete and return the change

(Rule 1240-1-19-.04, continued)

form when a change is being reported, changes reported over the telephone or in person by the household shall be acted on in the same manner as those reported on the Change Report Form and mailed or otherwise delivered to the worker.

- (7) Food Stamps Only. A household cannot receive an increase in Food Stamp benefits due to a decrease in income resulting from intentional noncompliance with any requirements of a federal, state, or local welfare program which is means-tested and distributes public funded benefits.
- (8) Changes Which Increase Benefits And Require Issuance Of A Supplementary Allotment - Food Stamps Only. For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of \$50 or more in the household's gross monthly income, the worker shall make the change effective not later than the first allotment issued 10 days after the date the change was reported. However, in no event shall these changes take effect any later than the month following the month in which the change is reported. Therefore, if the change is reported after the 26th of the month and it is too late for the worker to adjust the following month's allotment, the worker shall issue a supplementary ATP or otherwise provide an opportunity for the household to obtain the increase in benefits by the 10th day of the following month, or the household's normal issuance cycle in that month, whichever is later.
- (9) Changes Which Increase Benefits And Do Not Require Issuance Of A Supplementary Allotment - Food Stamps Only. For changes which result in an increase in a household's benefits and do not require the issuance of a supplementary ATP, the worker shall make the changes effective no later than the first allotment issued 10 days after the date the change was reported to the county office.
- (10) Changes Which Reduce Benefits - Food Stamps Only. If the household reports a change, or the worker becomes aware of a change in the household's circumstances, which could ultimately result in the decrease or termination of that household's Food Stamp benefits, the worker must first verify the change that has been reported or otherwise made known to the worker before any decrease or termination of benefits can be enforced, unless it is evident or apparent to the worker that the change will result in a definite reduction or termination of the household's benefits (for example, a household member moving out of the household), or a request for termination of benefits due to a household member going to work. The HH should be given 10 days to provide the verification and should be advised that failure to respond to this request could result in a termination of their benefits. The worker shall not, at any time, require the household to come in for an interview. If the HH fails to respond to the Request for Verification within the 10 day period, the worker will then mail the HH Form HS-0751 Notice of Disposition (Notice of Adverse Action). This will provide the household with timely and adequate notice that action is being taken to terminate benefits, in accordance with rule 1240-1-19-.07.

The benefit level shall be made effective with the first allotment to be issued after the 10-day Notice of Adverse Action period has expired, provided a fair hearing and continuation of benefits has not been requested. Verification which has been requested must be obtained prior to the recertification.

- (11) Procedures Relating To Grant Reductions And Termination - AFDC Only. Ten days advance notice of change is required when the grant is to be reduced or terminated except under certain circumstances. Final action to reduce or terminate or suspend a grant cannot be taken until the expiration of the advance notice period. The purpose of this is to provide the recipient time in which to present evidence which he/she believes will alter the decision or to request a fair hearing (with continuation of the grant). Ten days advance notice (on grant reductions and case closures) means 10 calendar days after the date notice to the client is mailed from the county office. However, when the 10th calendar day falls on an official holiday or on a Saturday or Sunday, the 10th day will be considered to end with close of business on the next working day following the holiday or weekend. The above policy applies for the purpose of counting the 10 days advance notice and for the purpose of time limits on filing an appeal with continuation of AFDC payments.

(Rule 1240-1-19-.04, continued)

Authority: TCA §§14-8-106 and 14-27-104; 45 CFR 205.10 and 206.10; 7 CFR 273.12, 273.9, 273.11 (as amended by 49 Federal Register 48681); PL 97-35. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 3, 1980; effective January 19, 1981. Amendment filed August 28, 1981; effective October 13, 1981. Repeal and new rule filed December 10, 1981; effective January 25, 1982. Amendment filed November 9, 1982; effective December 9, 1982. Amendment filed December 27, 1985; effective March 16, 1985. Amendment filed April 30, 1985; effective May 30, 1985.

1240-1-19-.05 MASS CHANGES - FOOD STAMPS ONLY. Certain changes are initiated by the Department or Federal Government which may affect the entire caseload or significant portions of the caseload. These changes include annual adjustments to the net income eligibility standards and the shelter/dependent care deduction; semi-annual adjustment to the Thrifty Food Plan and standard deductions; annual and seasonal adjustments to AFDC and other changes in the eligibility criteria based on legislative or regulatory actions.

- (1) Federal Food Stamp Program Changes. These include federal adjustments to eligibility standards, allotments, and deductions. These adjustments shall go into effect for all households at a specific point in time. Semi-annual adjustments to the Thrifty Food Plan and the standard deduction shall be effective for all issuances in January and July. Annual adjustments to the shelter/dependent care deduction and the eligibility standards shall be effective for all July issuances.
- (2) Food Stamp Program Changes.
 - (a) State annual adjustments and seasonal variations to the utility standard shall be effective for all issuances in the month specified by the state office. Although a Notice of Disposition (Form HS-0751) is not required, prior publicity of adjustments shall be made from the state office:
 1. Through the news media;
 2. By printing posters for certification offices, issuance locations or other sites frequented by certified households; or
 3. Notices will be included with all ATP cards and PA checks.
 - (b) Households whose certification periods overlap a seasonal variation in the utility standard shall be advised at the time of initial certification when the adjustment will occur and what the variation in the benefit level will be, if known.
- (3) Mass Changes Resulting From Implementation Of The Food Stamp Act Of 1977. The worker shall send an individual Notice of Disposition (Form HS-0751) to each household that receives a reduction or termination in benefits during its certification period due to these regulations. The Notice of Disposition shall explain to the household that the change is the result of changes in federal law and that although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes its eligibility or benefit level was computed incorrectly under the new law, or that the new law is being misapplied or misinterpreted.
- (4) Mass Changes In Federal Benefits. Households shall not be responsible for reporting changes in their federal benefits such as Social Security and SS1 payments. County offices shall treat cost-of-living increases and other mass changes in federal benefits, such as Social Security and SSI payments, as a mass change in accordance with procedures provided by the state office. If not handled as a mass change, individual Advance Notice of Disposition shall be required as described in 1240-1-19-.07.
- (5) Mass Changes In Public Assistance - Food Stamp Only. When the Department makes an overall adjustment to AFDC payments, corresponding adjustments in the household's Food Stamp benefit shall

(Rule 1240-1-19-.05, continued)

be handled as a mass change. When the county office has at least 30 days advance knowledge of the amount of the AFDC adjustment, the county office shall recompute Food Stamp benefits to be effective in the same month as the AFDC change. If the county office does not have sufficient notice, the Food Stamp change shall be effective not later than the month following the month in which the AFDC change was made. Form HS-0751 (Notice of Disposition) is not required when a household's Food Stamp benefits are reduced or terminated as a result of a mass change in the AFDC grant. However, a statement will be included with all ATP cards and AFDC checks giving individual notices to households to inform them of a change. If a household requests a fair hearing, benefits shall be continued at the former level only if the issue being appealed is that Food Stamp eligibility or benefits were improperly computed and not the fact that benefits are reduced because of the mass change.

Authority: TCA §§14-8-106 and 14-8-111; 45 CFR 205.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.06 CHANGES AFFECTING AFDC HOUSEHOLDS. Except for changes in AFDC grant, such households have the same reporting requirement as any other assistance group.

- (1) Households shall be notified through use of Form HS-0751 (Notice of Disposition) whenever their benefits are altered as a result of changes in AFDC benefits or whenever the Food Stamp certification period is shortened to reflect changes in the household's circumstances. If the certification period is shortened, the household's certification shall not end any earlier than the month following the month in which the worker determines that the certification period should be shortened, allowing adequate time for the worker to send Form HS-0258 (Notice Concerning Your Application or Redetermination), and for the household to timely reapply as provided in this Section. If the AFDC benefits are terminated but the household is still eligible for Food Stamp benefits, members of the household shall be advised of Food Stamp work registration requirements, if applicable, as their WIN registration exemption no longer applies.
- (2) Whenever a change results in the reduction or termination of the household's AFDC benefit within its Food Stamp certification period, and the worker has sufficient information to determine how the change affects the household's Food Stamp eligibility and benefit level, the worker shall take the following actions:
 - (a) If a change in household circumstances requires both a reduction or termination in the PA payment and a reduction or termination in Food Stamp benefits, the worker shall issue Form HS-0751 (Notice of Disposition) for AFDC and Food Stamps. If the household requests a fair hearing within the period provided by the Notice of Disposition, the household's Food Stamp benefits shall be continued on the basis authorized immediately prior to sending the notice. If the fair hearing is requested for both programs' benefits, the hearing shall be conducted according to procedures in §1240-1-30. However, the household must reapply for Food Stamp benefits if the Food Stamp certification period expires before the fair hearing process is completed. If the household does not appeal, the change shall be made effective in accordance with the procedures specified in §1240-1-19-.06(3).
 - (b) If the household's Food Stamp benefits will be increased as a result of the reduction or termination of AFDC benefits, the worker shall issue Form HS-0751 (Notice of Disposition) but shall not take any action to increase the household's Food Stamp benefits until the household decides whether it will appeal the AFDC adverse action notice. If the household decides to appeal the AFDC action and its AFDC benefits are continued, the household's Food Stamp benefits shall continue at the previous basis. If the household does not appeal, the worker shall make the Food Stamp changes effective in accordance with the procedures specified in §1240-1-10-.07(6) except that the time limits for the worker to act on changes which increase a

(Rule 1240-1-19-.06, continued)

household's Food Stamp benefits shall be calculated from the date the AFDC advance notice period expires.

- (3) Whenever a change results in the termination of a household's AFDC benefits within its Food Stamp certification period, and the worker does not have sufficient information to determine how the AFDC change affects the household's Food Stamp eligibility and benefit level (such as when an absent parent returns to a household, rendering the household categorically ineligible for AFDC, and the worker does not have any information on the income of the new household member), the worker shall not terminate the household's Food Stamp benefits but shall instead take the following action:
 - (a) If Form HS-0751 (Notice of Disposition) has been sent, the worker shall wait until the household's AFDC notice of adverse action period expires or until the household requests a fair hearing, whichever comes first. If the household requests a fair hearing on the AFDC action and its AFDC benefits are continued pending appeal, the household's Food Stamp benefits shall be continued at the same basis.
 - (b) If Form HS-0751 (Notice of Disposition) is not required, or the household decides not to request a fair hearing and continuation of its AFDC benefits, the worker shall send the household Form HS-0258 (Notice Concerning Your Application or Redetermination) which informs the household that its certification period will expire at the end of the month following the month the notice of expiration, Form HS-0258 (Notice Concerning Your Application or Redetermination), is sent, and that it must reapply if it wishes to continue to participate. The Notice of Expiration shall also explain to the household that its certification period is expiring because of changes in its circumstances which may affect its Food Stamp eligibility and benefit level.

Authority: TCA §§14-8-106 and 14-8-111; 45 CFR 205.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.07 NOTICE OF ADVERSE ACTION - FOOD STAMP/AFDC. Prior to any action to reduce or terminate a HH/AG's benefits within a certification period (FS) or at any time in AFDC, the worker shall, except as provided in 1240-1-19-.07(7) and (8), provide the household advance notice before such action is taken. In AFDC, 10 days advance notice is required before the action is taken. In Food Stamps, notice may be given as late as the date the household would normally receive its allotment if the household reports the information which results in the reduction or termination in writing. Such a written report must be signed by a household member. This is true only when the worker can determine the household's allotment or ineligibility solely on the basis of the household's written report. If the FS household is not sufficient for the worker to determine the allotment or ineligibility, 10 days advance notice must be given before action is taken to reduce or terminate the allotment.

- (1) An adverse action is defined as:
 - (a) A reduction in coupon allotment or grant;
 - (b) The termination of the HH/AG's program benefits:
 1. within the certification period (Food Stamps);
 2. at any time (AFDC).
 - (c) The reduction in length of a certification period (Food Stamp);
 - (d) Removal of a person from the aid group (AFDC).

(Rule 1240-1-19-.07, continued)

- (2) Food Stamp Only. In the case of changes reported during the last month of a certification period which will result in a reduction of program benefits beginning with a new certification period, a Notice of Disposition (Form HS-0751) will not be required.
- (3) Food Stamp Only. When a current certification period expires at the end of the assigned time period, eligibility ceases. These situations are not terminations, therefore, provisions concerning adverse action do not apply, nor is the household eligible for continuation of benefits, as described in paragraph (4) below.
- (4) If the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the next working day after the weekend or holiday, the county office shall consider the request timely received. If the household requests a hearing, the worker must explain that continuation of benefits is strictly at the HH/AGs option and should the HH/AG elect to have its benefits continued, demand will be made for the value of any Food Stamp coupons overissued or any AFDC overpayments prior to or during the period such benefits are continued, if the hearing official's decision is adverse to the HH/AG.
- (5) Form HS-0751, Notice of Disposition (Adverse Action) will be completed in the original and one copy with the original given to or mailed to the HH/AG and the duplicate filed in the case record.
 - (a) Food Stamps Only. The Notice Disposition (Notice of Adverse Action) is not to be used as a "call-in" device to obtain required verification or information as a result of a household's change in circumstances. In cases where a change is reported or the worker becomes aware of a change in the household's circumstances which may result in the decrease or termination of that household's Food Stamp benefits, but further verification is required, such as noted in §1240-1-16-.07, then the worker shall send the household Form HS/1056, Request for Verification, within the required timeliness standards for changes. The Notice of Disposition (Notice of Adverse Action) should only be used after the household has been provided with the Request for Verification (Form HS-1056) and has been given 10 days to respond. If the household does not respond to the request within the 10 day period, the worker shall then provide the household with a Notice of Disposition, advising it that action is being taken to terminate its benefits. Once the household has been provided with the Notice of Disposition (Notice of Adverse Action), the notice cannot be "voided" if a household provides the requested information, with only one exception. (The notice may be voided when a household member whose household is being terminated for failure to register for employment submits a work registration form during the advance notice period. This household would not have to file a new application.)
 - (b) Reserved for future use.
- (6) Timing Of Notice. The Notice of Disposition shall be considered timely if the advance notice period includes at least 10 days from the date the notice is mailed to the date upon which the action takes effect. Also, if the adverse notice period ends on a weekend or holiday, and a request for a fair hearing or continuation of benefits is received the day after the weekend or holiday, the county office shall consider the request timely received.
- (7) Changes Not Requiring Advance Notice - Food Stamp Only. Form HS-0751 (Notice of Disposition) is not required when:
 - (a) Mass Change. The Department initiates a mass change.
 - (b) Notice of Death or Moved from County. The county office receives notification that all members of a household have died or that the household has moved from the county.

(Rule 1240-1-19-.07, continued)

- (c) Completion of Restoration of Lost Benefits. The household has been receiving an increased allotment to restore lost benefits, the restoration is complete, and the household was previously notified in writing of when the increased allotment would terminate.
 - (d) Anticipated Changes in the Monthly Allotment. The household's allotment varies from month to month within their certification period to take into account changes which were anticipated at the time of certification.
 - (e) Disqualification of Fraud. A household member is disqualified for fraud in accordance with §1240-1-20 or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member.
 - (f) Benefit Reduction Upon Approval of the Household's AFDC Grant Application. The household jointly applied for AFDC and Food Stamp benefits and had been receiving Food Stamp benefits pending the approval of the AFDC grant and was notified by the worker at the time of certification that Food Stamp benefits would be reduced upon approval of the AFDC grant.
 - (g) Households Certified on Expedited Basis Contingent on Verification. The worker has elected to assign a longer certification period to a household certified on an expedited basis and for whom verification was postponed, provided the household has received Form HS-0751 (Notice of Disposition) stating that the receipt of benefits beyond the month of application is contingent on its providing the verification which was initially postponed and that the worker may act on the verified information without further notice.
 - (h) Converting a household from cash repayment to benefit reduction as a result of failure to make cash repayment as discussed in §1240-1-20-.08(b).
 - (i) Residents of Drug or Alcoholic Treatment Centers or Group Living Arrangements. The state office terminates the eligibility of a resident of a drug or alcoholic treatment center or a group living arrangement when the facility either loses its certification through the Department of Mental Health or has its status as an authorized representative suspended due to FNS disqualifying it as a retailer. However, if residents of a group living arrangement have applied for Food Stamps on their own behalf, they are still eligible to participate and a Notice of Adverse Action would not be appropriate.
 - (j) Household voluntarily requests that the case be terminated. Such a request must be in writing or made in the presence of the eligibility counselor. A notice must be sent to the household to confirm the request.
 - (k) It is determined that the household will not be living in the county and will be unable to obtain its next allotment.
- (8) Changes Not Requiring Advance Notice Of Adverse Action - AFDC Only. Ten (10) days advance notice of adverse action is not required when:
- (a) The agency has factual information confirming the death of the recipient or of an AFDC payee when there is no relative available to serve as a new payee and no person can be named alternate payee.
 - (b) The agency receives a clear written statement signed and dated by the recipient that he/she no longer wishes assistance.

(Rule 1240-1-19-.07, continued)

- (c) The recipient has been admitted or committed to an institution where he/she is not eligible to receive assistance.
 - (d) The recipient has entered a skilled nursing home or intermediate care facility and vendor payments will be authorized through Medicaid.
 - (e) The money payment to the recipient is to be discontinued and protective or vendor payments are to be authorized.
 - (f) The recipient's whereabouts are unknown and agency mail directed to him/her has been returned by the Post Office indicating no forwarding address. The recipient's checks to which he/she is entitled will, however, be made available to him/her if his/her whereabouts become known during the payment period.
 - (g) The recipient has moved out-of-state or has been accepted for assistance in another state.
 - (h) An AFDC child is removed from the home as the result of a judicial determination or is voluntarily placed in foster care by his/her parents or legal guardian.
 - (i) The Department has received notification that a member of the AFDC aid group has been approved for SSI.
 - (j) Assistance is to be discontinued as the result of an appeal decision which upholds the county office and an authorization document cannot be submitted by the "cutoff" date.
- (9) Effect Of Changes Or Appeals During Advance Notice Period - AFDC Only. If during the 10 day advance notice period a recipient presents information about a change in his/her circumstances or additional factual information which alters the decision to reduce or terminate a grant or if a recipient appeals the decision, action to be taken as follows:
- (a) Appeals - If a recipient appeals during the advance notice period, action in relation to the grant will be delayed until after the appeal decision;
 - (b) Changes in Circumstances or Additional Information - If a recipient reports a change in circumstances or presents additional evidence during the advance notice period which changes the decision, the authorization form is pulled from Central Control files; and
 - 1. If there should be no change in grant, the case will be returned to the files. A revised Notice of Disposition shall be sent to the Recipient advising him/her of the change in the decision.
 - 2. If the grant should be increased, the increase is to be authorized. A revised Notice of Disposition shall be sent to the A/R advising him/her of the change in the decision.
 - 3. If the original decision to reduce or terminate the grant is unchanged, authorization for the action is submitted after the advance notice period had expired.

Authority: TCA §§14-1-105, 14-8-106, 14-8-111, and 14-27-104; Federal Register, Volume 51, Number 60 (March 28, 1986); 7 CFR 273.13(a)(3); 47 CFR 205.10; PL 97-35. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Repeal and new rule filed December 10, 1981; effective January 25, 1982. Amendment filed May 17, 1983; effective June 16, 1983. Amendment filed August 5, 1986; effective November 29, 1986.

1240-1-19-.08 RESERVED FOR FUTURE USE.

Authority: TCA §14-8-116. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.09 COUNTY TO COUNTY TRANSFER - AFDC ONLY.

- (1) Transfer Of Recipient From County To County - AFDC Only. The Public Assistance laws provide that AFDC recipients may move from county to county within the state and still be entitled to receive assistance in the county to which they have moved, provided they continue to be eligible. There is the further legal stipulation that the county from which the recipient has moved shall transfer all necessary records relating to the recipient to the county to which he has moved.
- (2) Reserved For Future Use.

Authority: TCA §14-8-116. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.10 COUNTY TO COUNTY TRANSFERS - FOOD STAMPS ONLY.

- (1) Transferring A Case From One County To Another County Within The State. A Food Stamp household may move from county to county within the state and still be entitled to receive benefits in the county to which it has moved, provided the household continues to meet the eligibility criteria. The transfer process involves divided responsibilities between the county from which the household moved and the county to which the household transfers. Therefore, each county involved must take prompt action in meeting its responsibilities.
- (2) Reserved For Future Use.
- (3) Reserved For Future Use.

Authority: TCA §14-8-116. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.11 RESERVED FOR FUTURE USE.

Authority: TCA §14-8-116. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.12 TRANSFERRING INFORMATION OUTSIDE OF THE STATE - FOOD STAMP/AFDC.

- (1) When another state requests information regarding a Food Stamp household or AFDC aid group, the worker must promptly comply with the request.
- (2) Reserved for Future Use.

Authority: TCA §14-8-106. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.13 REPEALED.

Authority: TCA §§14-8-106, 14-27-104; 7 CFR 273.19. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980. Repeal filed November 9, 1982; effective December 9, 1982.

1240-1-19-.14 CHANGE OF ADDRESS - FOOD STAMP/AFDC. It is essential that accurate addresses for all recipients be on file.

Authority: TCA §14-8-106. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.15 PROCEDURES FOR CLOSING A CASE - AFDC ONLY. When an AFDC case is closed for any reason, an explanation that the family may apply for Medicaid coverage in the Medically Needy Program is to be made.

Authority: TCA §14-8-106. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.16 ACCRUAL RIGHTS TO A CHECK - AFDC ONLY.

- (1) Once an AFDC applicant has been found eligible for assistance and an award has been duly authorized, he/she has a right to the initial payment provided he/she was alive on the date on which his application is filed, except as noted in paragraph (3) below.
 - (a) The right to the initial public assistance payment and payments retroactive to date of application accrues on the date the authorization for payment is signed by the County Director, provided payment is authorized for the same calendar month.
 - (b) If the initial payment is for the calendar month following that in which payment is authorized, the right to payment accrues on the first day of the calendar month for which payment is to be made.
- (2) The right to a continuing public assistance payment accrues on the first day of a calendar month for which payment is to be made, provided the recipient is alive and eligible for payment on that day, except as noted in paragraph (3) below.
- (3) However, no applicant/recipient is eligible for an assistance payment made for any month in which:
 - (a) The A/R (or legally responsible relative in the home) was on strike as of the last day of the month; or
 - (b) The A/R received income in excess of Department standards which causes ineligibility for more than one month.

Authority: TCA §§14-8-106(2) and 14-8-110; PL 97-35; 45 CFR 233.20(a)(3)(D); 45 CFR 233.106. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 2, 1983; effective January 1, 1984.

1240-1-19-.17 INCREASING A GRANT - AFDC ONLY. When it is determined that a recipient is eligible for an increase in grant, the following actions will be taken promptly:

- (1) Complete the form authorizing the grant increase to be submitted to Systems and Procedures.
- (2) Complete Notice of Disposition to notify the recipient of the increase in grant.

Authority: TCA §§14-8-106 and 14-8-111. *Administrative History:* Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.18 DECREASING A GRANT - AFDC ONLY. When it is established that a recipient's grant should be decreased, the following action will be taken promptly:

(Rule 1240-1-19-.18, continued)

- (1) Complete the form authorizing the decrease which will be submitted to Systems and Procedures.
- (2) Reserved for Future Use.
- (3) Attach An Informational Pamphlet To The Notice. This will serve to inform the recipient of the provisions of the assistance program, his/her right to appeal, and how to file an appeal. Give the reason or reasons for the action taken and cite the state rule number(s) supporting the decision.
- (4) Provide the recipient a blank copy of the HS-0746 (Change Report Form) which is to be used by the recipient to report changes in his/her circumstances.

Authority: TCA §§14-8-106 and 14-8-111; 45 CFR 205.10. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.19 CLOSING A CASE - AFDC ONLY. If it has been determined the recipient is no longer eligible for assistance and the grant is being terminated, the case will be closed.

- (1) Complete the form authorizing the closure which will be submitted to Systems and Procedures.
- (2) Notice of Disposition will be mailed to the recipient to notify him/her of the termination of the grant and the reason or reasons for the action taken.
- (3) When an AFDC case is closed for any reason, an explanation that the family may apply for Medicaid coverage in the Medically Needy Program is to be made.

Authority: TCA §14-27-104; 7 CFR 273.11, 273.12, 273.13, 273.14, and 273.19. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.20 RESERVED FOR FUTURE USE.

Authority: T.C.A §4-5-202; 71-1-105;71-3-151 et. seq. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed March 1, 1982; effective April 15, 1982. Amendment filed July 28, 2000; effective October 11, 2000.

1240-1-19-.21 REPLACEMENT OF FOOD STAMP ALLOTMENTS

- (1) Food Stamp Allotment Lost in the Mail Prior to Receipt
 - (a) The case manager shall authorize replacement of the allotment only:
 1. If the allotment is reported stolen from the mail or lost in the mail in the period of intended use and
 2. If the non-receipt is reported in the period of intended use and
 3. If the household requesting the replacement has not already been issued two countable replacements in a six (6) month period.
 4. If the lost allotment was sent certified mail, it is not to be replaced unless:
 - (i) the post office has no certified mail receipt;

(Rule 1240-1-19-.21, continued)

- (ii) the post office has an unsigned receipt but has lost the allotment;
 - (iii) the household timely reports an address change but the change is not made by the county, or an incorrect address change is made by the county; or
 - (iv) A household to whom replacement is denied requests a fair hearing on the issue, and the household prevails at the hearing.
 - (b) Period of Intended Use
 - 1. If the allotment is issued on or before the 20th of the month, the period of intended use is the month of issuance.
 - 2. If the allotment is issued after the 20th of the month, the period of intended use is the end of the month following the month the allotment is mailed.
 - (c) County Office Responsibilities.
 - 1. When a household reports the nondelivery of a food stamp allotment issued through the mail, and the conditions in (a) and (b) above are met, the case manager shall provide the replacement no more than ten (10) days after the reported loss or within two (2) working days following receipt of the signed affidavit.
- (2) Lost, Stolen, or Misplaced Coupons. The case manager shall not authorize a replacement allotment to a household which reports that its coupons were lost, stolen, or misplaced after being received.
- (3) Destroyed Coupons. A household may request a replacement for that portion of its allotment which it had received but which was subsequently destroyed in a household disaster such as fire or flood.
- (a) Household's Responsibilities
 - 1. To qualify for a replacement, the household must report the destruction of the coupons to the local food stamp office within ten (10) days of the incident or within the period of intended use, whichever is earlier.
 - 2. The household must also sign a Form HS-0461, FS Replacement Authorization:
 - (i) Attesting to the destruction of the household's food stamps,
 - (ii) Stating that the original coupons will be returned to the state agency if recovered by the household, and
 - (iii) Stating that the household is aware of the penalties for intentional misrepresentation of the facts.
- (b) Period of Intended Use
 - 1. If the allotment is issued on or before the 20th of the month, the period of intended use is the month of issuance.
 - 2. If the allotment is issued after the 20th of the month, the period of intended use is the end of the month following the month the allotment is mailed.

(Rule 1240-1-19-.21, continued)

- (c) County Office Responsibilities.
 - 1. When a household reports the destruction of a food stamp allotment timely, and the conditions in (a) and (b) above are met, the case manager shall provide the replacement no more than ten (10) days after the reported loss or within two (2) working days following receipt of the signed affidavit.
- (d) Federally Declared Disasters.
 - 1. When the President or USDA/FNS has issued a disaster declaration and the household is eligible for emergency food stamp benefits, the household shall not receive both the disaster relief allotment and a replacement allotment for the same period.
- (4) Replacement of Food Destroyed in a Disaster/Partial Allotments. When food purchased with food stamps is destroyed in a disaster affecting a particular household, that household may be eligible for replacement of the actual value of loss, as follows:
 - (a) the value replaced shall not exceed one month's food stamp allotment;
 - (b) the loss must be reported within ten (10) calendar days of the incident;
 - (c) the case manager shall verify the disaster through:
 - 1. a collateral contact;
 - 2. a community organization such as the fire department or the Red Cross; or
 - 3. a home visit.
 - (d) If the criteria in (a), (b), and (c) above are met, the case manager shall provide the replacement no more than ten (10) days after the reported loss or within two (2) working days following receipt of the signed affidavit.
 - (e) Replacement of the value of food destroyed in a disaster shall be made, subject to the above criteria, in cases of an individual household disaster such as fire, as well as natural disasters affecting more than one household.
 - 1. Coupons that are destroyed because of the household's carelessness or an accident are not replaced.
 - 2. The case manager will evaluate the situation and determine if the destruction is due to carelessness or is a situation that could not have been within the household's control.
 - (f) When the President or USDA/FNS has issued a disaster declaration and the household is eligible for emergency food stamp benefits, the household shall not receive both the disaster relief allotment and a replacement allotment for the same period.
- (5) Partial Allotments
 - (a) If the household receives a partial coupon allotment, the remainder of the allotment for which the household is eligible shall be authorized as a replacement only if:

(Rule 1240-1-19-.21, continued)

1. the deficit of coupons is reported orally or in writing within the period of intended use; and
 2. the report of a partial loss is substantiated by a discrepancy in the issuance unit's inventory; or
 3. two (2) staff members are present when the envelope containing the coupons is opened and they witness that part of the full allotment is missing; or
 4. there is evidence that the coupon loss is due to damage in the mail prior to delivery.
- (b) Period of Intended Use
1. If the allotment is issued on or before the 20th of the month, the period of intended use is the month of issuance.
 2. If the allotment is issued after the 20th of the month, the period of intended use is the end of the month following the month the allotment is mailed.
- (c) County Office Responsibilities.
1. When a household reports the delivery of a partial food stamp allotment issued through the mail, and the conditions in (a) and (b) above are met, the case manager shall provide the replacement no more than ten (10) days after the reported loss or within two (2) working days following receipt of the signed affidavit.

Authority: TCA §§4-5-202; 71-5-304; 7 CFR 274.6; and Acts of 1996; Chapter 950 § 36 (September 1, 1996). **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980. Amendment filed December 10, 1981; effective January 25, 1982. Amendment filed March 1, 1982; effective April 15, 1982. Amendment filed July 28, 2000; effective October 11, 2000.

1240-1-19-.22 IMPROPERLY MANUFACTURED OR MUTILATED COUPONS - FOOD STAMP ONLY.

The Department shall provide a replacement for coupons that were received by a household but were subsequently mutilated or subsequently found to be improperly manufactured. This includes coupons accidentally mutilated by the household. The amount to be replaced shall be equal to the value of the improperly manufactured or mutilated coupons. If the worker cannot determine the value of a mutilated coupon after exhausting all available means of determining the value within the county, the worker shall send the mutilated coupons to the state office for a determination. The county office shall not replace coupons which are mutilated to such a degree that less than three-fifths of the coupon is presented by the household.

Authority: TCA §14-27-104; 7 CFR 273.11, 273.12, 273.13, 273.14, and 273.19. **Administrative History:** Original rule filed August 15, 1980; effective September 29, 1980.

1240-1-19-.23 PROCEDURES TO BE USED WHEN A/R REPORTS A LOST OR STOLEN AFDC CHECK.

When the A/R reports a lost or stolen AFDC check, Affidavit of Lost AFDC Check must be completed. This form is to be used to report lost or stolen AFDC checks and initiate the issuance of a replacement check to the recipient. It is to be executed the same month in which the payment is due. A replacement check should be in the hands of the recipient within 15 days from the date the Affidavit is signed and notarized.

Authority: TCA §14-27-104; 7 CFR 273.11, 273.12, 273.13, 273.14, and 273.19. **Administrative History:** Original rule filed August 14, 1980; effective September 29, 1980.